

M E M O R A N D U M

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: July 14, 2004

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated June 14, 2004. If you would like additional information, please let me know.

Table of Contents

Respondent	Case Number	Page
Anderson, Don	03-007	4
Anderson, Frank.....	04-459	19
Anderson, Glenn	04-708	7
Bainbridge Island Fire Department (Officials).....	04-532	20
Benjamin, Richard; Peterson, Gary	02-296	13
City of Vancouver (City Officials)	02-286	24
Concerned Cit for Better Government and Joe Coomer.....	00-241	8
Concerned Cit for Better Government and Joe Coomer.....	03-080	11
Cowlitz County Commissioners & Public Facilities District (Officials).....
.....	04-455	18
DeVleming, Mike	05-005	23
Fields, Amy (Monroe School District).....	04-533	20
Foote, Jr., H.M.	02-292	24

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Foote, Jr., H.M.	02-296	23
Goings, Calvin	04-447	16
Green, Michael (Nine Mile Falls School District).....	04-534	20
Hawe, William (Clallam County)	04-452	17
Hammond, Steve	04-239	5
Hammond, Steve	04-441	15
Herbert, Ed (Seattle School District).....	04-663	21
Hopkins, Hank/Environmental Materials Transport, LLC.....	03-153.....	12
Jefferson County Republican Central Committee	04-288	4
Keolker-Wheeler, Kathy	04-531	19
Kirsch, Greg (Chehalis School District).....	04-451	26
Knezovich, Ozzie	04-460	19
Lamoreaux, Kathy (Battle Ground School District)	05-002	22
Lewis, Pete (Clarkston School District).....	05-004	23
Maleng, Norm.....	04-460	27
Mooney, Pat	04-310	12
Moran, Karen	04-294	25
Moran, Karen	04-315	26
More Cops Now & Ed Troyer, Treasurer	04-423	14
National Education Association	02-282	10
Nusbaum, Dennis (Seattle School District).....	04-664	21
Orr, Leona	04-456	18
Pearsall-Stipek, Cathy.....	02-294	25
Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative Committee, and Tim Eyman	02-281	9
Pierce County Fire District 13 (Officials)	04-453	27
Pierce County (County Officials).....	04-440	15
Raplee, Debra	04-399	26
Reichert, Dave	04-521	27
Rundle, Michael	04-295	26
Scott, Judy.....	04-293	6

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Skamania County Republican Party	04-666	21
Snohomish County Health District	04-665	21
Sound Transit (Transit Officials)	04-457	18
Spencer, Dane	02-291	24
Stevens County Rural Library District (Officials).....	04-454	17
The American Dream Coalition	03-079	25
Thurston Citizens for a Better Community	04-439	7
TME Capital Group	04-445	16
Towers, Steven	04-279	5
Vote Yes on Initiative 891	04-709	22
Waadevig, Paul	05-003	22
Washington Breathe Alliance	04-446	16
Washington Education Association.....	01-002	8
Washington State Grange.....	04-450	17
Yes On Initiative 18 Committee	04-438	15

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Part I

Investigations Completed

Cases Scheduled For Hearing:

Scheduled for Full Enforcement Hearing:

Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner. An enforcement hearing has been scheduled before the Full Commission in September of 2004.

Disposition: Pending

Scheduled for Brief Enforcement Hearing:

Anderson, Don--Case #03-007; Investigator: Kurt Young

Date Received: July 10, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy. A brief enforcement hearing has been scheduled for July 22, 2004

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Full Enforcement Hearings:

None.

Brief Enforcement Hearings: For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Hammond, Steve--Case #04-239; Suemary Trobaugh

Date Received: September 9, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080, .090 and .130

Status: Investigation Complete

Summary: A complaint was received from David Osgood alleging that the Steve Hammond campaign failed to report the receipt of an in-kind contribution of professional services for the value of filing a challenge to Senator Pam Roach’s voter registration. Mr. Hammond is an incumbent King County Council member. The complaint also alleged that Diane Fish, a King County Council employee on Mr. Hammond’s staff, and Jeff Cox, also on Mr. Hammond’s King County Council staff, worked on the challenge to Senator Roach’s voter registration while on County time. This portion of the complaint was added to the complaint as an alleged violation of RCW 42.17.130.

Disposition: A brief enforcement hearing was held on June 21, 2004. It was found that Steve Hammond did not violate RCW 42.17.080 and .090 by failing to report \$810, as an in-kind contribution, paid by Jeff Cox to Evan Loeffler for legal services to challenge Senator Pam Roach’s voter registration.

Towers, Steven--Case #04-279; Investigator: Tony Perkins

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from J. Steven Thomas alleging that Steven Towers, a candidate for fire commissioner in Snohomish County Fire District 4, failed to maintain records of campaign expenditures, including receipt of an in-kind contribution of a mailer paid for by the Snohomish Professional Firefighters Association, and that Mr. Towers failed to account for campaign signs in his records. A brief enforcement hearing had previously been held before the Commission Chair on May 26, 2004. It was initially found that Steven Thomas had received an in-kind contribution in the form of a mailer undertaken by IAFF Local 2694, which was approved by Mr. Towers, that exceeded the \$300 limit under Mini Reporting for contributions received from any one source.

Disposition: A brief enforcement hearing was held on June 21, 2004. It was found that Steven Towers violated RCW 42.17.080, 42.17.090, WAC 390-16-105 and 390-16-125 by accepting in-kind contributions from one source which exceeded the limit of the Mini Reporting option, and by accepting total contributions and making total expenditures that exceeded the limit of the Mini Reporting option, and violated RCW 42.17.040 by failing to properly seek a change to the Full Reporting option prior to exceeding the limits of the Mini Reporting option. Mr. Towers was assessed a penalty of \$150.

Scott, Judy --Case #04-293; Investigator: Tony Perkins

Date Received: October 27, 2003

Date Started: October 27, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: A complaint was received from Steven Clayton alleging that Judy Scott, a candidate for Port of Allyn Commissioner, exceeded the limits of Mini reporting, and failed to disclose contribution and expenditure activities as required for a candidate.

Disposition: A brief enforcement hearing was held on June 21, 2004. It was found that Judy Scott violated RCW 42.17.080, 42.17.090, WAC 390-16-105 and 390-16-125 by accepting total contributions and making total expenditures that exceeded the limit of the Mini Reporting option, and violated RCW 42.17.040 by failing to properly seek a change to the Full Reporting option prior to exceeding the limits of the Mini Reporting option. Ms. Scott was assessed a penalty of \$250, of which \$150 was suspended on the condition that Ms. Scott commits no further violations of RCW 42.17 for a period of two years from the date of the order.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Thurston Citizens for a Better Community--Case #04-439 Investigator: Tony Perkins

Date Received: February 25, 2004

Date Started: March 2, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Jerome Parker alleging that the Thurston Citizens for a Better Community failed to timely file contribution and expenditure reports disclosing committee activities.

Disposition: A brief enforcement hearing was held on June 21, 2004 in which it was found that Thurston Citizens for a Better Community violated RCW 42.17.080 and .090 by failing to timely report actual or estimated obligations to Chinook Consulting for a mailing to households in the City of Olympia, and were assessed a \$200 penalty of which, \$100 was suspended on the condition that the Respondent commits no further violations of RCW 42.17 for a period of two years from the date of the order.

The following cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at www.pdc.wa.gov. Click on “Compliance” and “Dismissal of Complaints.”)

Anderson, Glenn--Case #04-708; Investigator: Kurt Young

Date Received: June 28, 2004

Date Started: July 1, 2004

Section of Law: RCW 42.17.530

Status: Review Complete

Summary: A complaint was received from Thomas Vance alleging that Glenn Anderson, an incumbent state representative and candidate for re-election in the 5th Legislative District, sponsored a political advertisement that falsely claimed or implied that Representative Anderson had received the endorsement of the Issaquah School District.

Disposition: Dismissed with the concurrence of the chair. It was found that the Citizens for Glenn Anderson produced and distributed a political advertisement entitled “Issaquah School District, State Legislative Report, State Representative Glenn Anderson” in the Spring of 2004. The political advertisement provided general information about education and the Issaquah School District, details about changes to the WASL, information about past and future legislative action relating to educational issues, and Representative Anderson’s priorities for

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education. The political advertisement concluded by stating “If you believe these are the right priorities for the Issaquah School District and the right priorities in Olympia then I’d like to ask for your vote for re-election to the state House of Representatives.” PDC staff’s review indicated the political advertisement did not contain any quotes or any other attribution from any Issaquah School District officials, School Board Members, or district employees. The political advertisement provided information about Glenn Anderson’s positions on educational issues affecting the Issaquah School District, and none of the information contained in the political advertisement implied or claimed the endorsement of Glenn Anderson by the Issaquah School District.

Cases Referred To Attorney General For Further Action

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees’

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wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General’s Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Thurston County Superior Court Disposition: The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s

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Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

Disposition: On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the

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10-day period¹ had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer,
Treasurer, CCBG--#03-080; Investigator: Kurt Young**

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

Disposition: This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the

¹ RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;

Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson’s political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

Disposition: An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

Mooney, Pat --Case #04-310; Investigator: Sally Parker

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: Two complaints were received, one from Michael Evans and one from Brian Wetcher, alleging that Pat Mooney, a candidate for the Port of Anacortes, received contributions and made expenditures in support of his candidacy in excess of the mini reporting option limits. In addition, a “45-day Citizen Action Letter” was filed by Mr. Wetcher with the Office of the Attorney General and the

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Skagit County Prosecutor’s Office against Pat Mooney alleging almost identical violations as those outlined in the PDC complaint.

Disposition: This matter was originally presented to the Commission at its February 24, 2004 Commission meeting as a report to the Commission. The Commission directed that an enforcement hearing be held, which was done at a special Commission meeting on March 10, 2004. The Commission found that there were multiple apparent violations by Pat Mooney of the PDC’s statutes and rules including RCW 42.17.040, RCW 42.17.080, RCW 42.17.090, WAC 390-16-105, and WAC 390-16-125. The Commission noted the statutes and rules regarding mini reporting limits, and further noted that Mr. Mooney exceeded those limits, and that Mr. Mooney was aware that he should have advised his opponent of the fact he exceeded the mini reporting limits, but did not.

The Commission observed that the expenditures and contributions by Mr. Mooney exceeded the mini reporting limits, that those expenditures and contributions upset the even playing field in the campaign, and could have affected the outcome of the election. The Commission determined that a referral to the Attorney General's Office of this matter was appropriate because the remedies that the Commission could impose statutorily were insufficient in considering the number and quality of the apparent violations, and their possible effect on the election. In lieu of entering Findings of Fact, Conclusions of Law, and an Order to impose a penalty or other relief, the Commission referred this matter to the Washington State Attorney General's Office, and requests the Attorney General’s Office explore all remedies available, including the possibility of a court voiding the election.

Part II

Active Investigations

Investigations In Progress

Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090) by Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.

Disposition: Pending

More Cops Now & Ed Troyer, Treasurer --Case #04-423; Investigator: Sally Parker

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080, .090, .105 & .3691

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that More Cops Now committee, a political committee formed to support a local ballot proposition in Pierce County: (1) failed to include on its committee registration form (PDC form C-1pc) an address or time for public inspection of its campaign books and records during the eight days before the election and failed to file its post election C-4 report of contribution and expenditure activities; (2) accepted a contribution in excess of \$5,000 within 21 days of the general election, and failed to file a last minute contribution report for such contribution; and (3) failed to file its contribution and expenditure reports electronically.

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Yes on Initiative 18 Committee-- Case #04-438; Investigator: Kurt Young

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services he performed in support of the initiative efforts.

Disposition: Pending

Pierce County Officials-- Case #04-440; Investigator: Kurt Young

Date Received: March 3, 2004

Date Started: March 3, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three separate complaints were received from David Franta, Donald Veal, and Dale Washam, alleging that officials of Pierce County used the public resources and facilities of Pierce County to promote Proposition 1, a 2003 general election ballot proposition.

Disposition: Pending

Hammond, Steve--Case #04-441; Investigator: Sally Parker

Date Received: March 2, 2004

Date Started: March 29, 2004

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint were received from James Heavey alleging that Steve Hammond, an incumbent King County Council member up election in 2003, violated political advertising laws by sponsoring political advertising that contained false statements about his opponent Barbara Heavy.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

TME Capital Group--Case #04-445; Investigator: Sally Parker

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

Disposition: Pending

Washington Breathe Alliance--Case #04-446; Investigator: Tony Perkins

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.200

Status: Under Investigation

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law.

Disposition: Pending

Goings, Calvin--Case #04-447; Investigator: Kurt Young

Date Received: April 2, 2004

Date Started: April 6, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint were received from Dale Washam a candidate for Pierce County Council, alleging that Pierce County Council member Calvin Goings, a candidate up for re-election to the Pierce County Council in 2004 used Pierce County resources and facilities to support his candidacy.

Disposition: Pending

Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Disposition: Pending

Hawe, William (Clallam County)--Case #04-452; Investigator: Kurt Young

Date Originally Received: October 21, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Soren Poulsen alleging that William Hawe, an incumbent Clallam County Sheriff and a candidate for re-election in 2002, used the facilities of Clallam County to support his candidacy for re-election.

Disposition: Pending

Stevens County Rural Library District (Officials) --Case #04-454; Investigator: Tony Perkins

Date Originally Received: January 21, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three complaints were received from Stan Long, Arlene Sparks and Karen Frostad, alleging that officials from Stevens County Library District used the district facilities to support a local ballot proposition.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Cowlitz County Commissioners and Public Facilities District Officials --Case #04-455; Investigator: Suemary Trobaugh

Date Originally Received: March 17, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Steve Dragich alleging that Cowlitz County Commissioners and Public Facilities District Officials used the facilities of their respective public agencies to support a local ballot proposition.

Disposition: Pending

Orr, Leona (City of Kent)--Case #04-456; Investigator: Sally Parker

Date Originally Received: October 30, 2003 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sandra Amodt alleging that Kent City Councilmember Leona Orr, a candidate up for re-election to the Kent city council, used city facilities to promote her candidacy for public office.

Disposition: Pending

Sound Transit (Officials)--Case #04-457; Investigator: Suemary Trobaugh

Date Originally Received: August 29, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tim Eyman, alleging that officials of Sound Transit used the transit facilities to oppose a statewide initiative, Initiative #776.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Knezovich, Ozzie (Spokane County)--Case #04-460; Investigator: Kurt Young

Date Originally Received: September 6, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Annette Remshard, alleging that Ozzie Knezovich, President of the Spokane County Sheriff's Association, used Spokane County facilities to produce and distribute a political advertisement that endorsed six candidates for the Spokane Valley City council on the 2002 ballot, by including the address and phone number of a county facility in the sponsor identification.

Disposition: Pending

Anderson, Frank (City of Everett)--Case #04-459; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Margaret Michele Hoverter alleging that Everett City Mayor Frank Anderson, a candidate up for re-election in 2003, used city facilities and resources to support his candidacy for public office.

Disposition: Pending

Koelker-Wheeler, Kathy--Case #04-531; Investigator: Sally Parker

Date Originally Received: August 28, 2003 (Investigation previously suspended-per injunction)

Date Started: May 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from former Renton Mayor Jesse Tanner, alleging that Kathy Koelker-Wheeler, an incumbent Renton City Council member and candidate for Renton Mayor in 2003, used Renton city facilities to promote her candidacy for public office.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Bainbridge Island Fire Department Officials--04-532; Investigator: Kurt Young

Date Received: April 30, 2004

Date Started: May 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ken Guy alleging that Bainbridge Island Fire Department Officials used fire department resources and facilities by distributing a flyer in support of a local May 18, 2004 ballot proposition.

Disposition: Pending

Fields, Amy (Monroe School District)--Case #04-533; Investigator: Suemary Trobaugh

Date Received: May 13, 2004

Date Started: May 17, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Amy Fields, an employee of the Monroe School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Green, Michael (Nine Mile Falls School District)--Case #04-534; Investigator: Tony Perkins

Date Received: May 19, 2004

Date Started: May 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Byrd and Lynn Stuter, alleging that Michael Green, Superintendent of Schools for Nine Mile Falls School District No. 325-179, used the facilities of the district to support passage of school district ballot propositions that were placed on the March 9 and May 18, 2004 ballots. The complainants alleged that brochures produced by the school district were promotional in nature.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Herbert, Ed (Ballard High School, Seattle School District)--Case #04-663;

Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Ed Herbert, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Nusbaum, Dennis (Ballard High School, Seattle School District)--Case #04-664;

Investigator: Suemary Trobaugh

Date Received: June 3, 2004

Date Started: June 10, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that Dennis Nusbaum, an employee of Ballard High School in the Seattle School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

Snohomish Health District--Case #04-665; Investigator: Tony Perkins

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jim St. John alleging that officials of the Snohomish County Health District used county facilities to support a statewide ballot proposition, Initiative 890.

Disposition: Pending

Skamania County Republican Party-Case #04-666; Investigator: Sally Parker

Date Received: June 8, 2004

Date Started: June 23, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from James McKnight alleging that the Skamania County Republican Party failed to file C-3 and C-4 reports disclosing contribution and expenditure activities for several years.
Disposition: Pending

Vote Yes on Initiative 891--04-709; Investigator: Kurt Young

Date Received: June 23, 2004
Date Started: June 30, 2004
Section of Law: RCW 42.17.080 and .090
Status: Under Investigation
Summary: A complaint was received from Charles Creso alleging that the Vote Yes on Initiative 891, a statewide ballot proposition committee failed to report debts, obligations or in-kind contributions for signature gathering efforts undertaken on behalf of Initiative 891.
Disposition: Pending

Lamoreaux, Kathy (Battle Ground School District)--Case #05-002; Investigator: Suemary Trobaugh

Date Received: June 3, 2004
Date Started: June 10, 2004
Section of Law: RCW 42.17.130
Status: Under Investigation
Summary: A complaint was received from Eddie Dawson alleging that Kathy Lamoreaux, an employee of Battle Ground School District, used the school district's internal mail system to support a statewide referendum, Referendum #55.
Disposition: Pending

Waadevig, Paul—Case #05-005; Investigator: Tony Perkins

Date Received: June 28, 2004
Date Started: July 9, 2004
Section of Law: RCW 42.17.080 and .090
Status: Under Investigation
Summary: A complaint was received from Lance Haun alleging that Paul Waadevig, a candidate for State Senator in the 17th Legislative District failed to report all of the contributions received on behalf of his candidacy.
Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Lewis, Pete (Clarkston School District) --05-004; Investigator: Kurt Young

Date Received: June 21, 2004

Date Started: July 13, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Fred Cook alleging that the Clarkston School District used school district facilities and resources to produce a publication that stated “Vote Yes” in support of the February 3, 2004 special levy election.

Disposition: Pending

DeVleming, Mike --05-005; Investigator: Kurt Young

Date Received: July 1, 2004

Date Started: July 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sally Jackson alleging that Mike DeVleming, mayor of Spokane Valley used city facilities and email system to produce electronic messages in support of the Dino Rossi Campaign for Governor.

Disposition: Pending

Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. See Table of Contents for location of additional case summary information.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Cases Under Review

City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh

Date Received: March 18, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002 local ballot proposition.

Disposition: Pending

Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker

Date Received: April 1, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Under Review

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Pearsall-Stipek, Cathy-- Case #02-294; Investigator: Sally Parker

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

The American Dream Coalition--Case #03-079; Investigator: Kurt Young

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Review

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” and Michael Svardh failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition.”

Disposition: Pending

Moran, Karen --Case #04-294; Investigator: Sally Parker

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Rundle, Michael --Case #04-295; Investigator: Sally Parker

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Pending

Moran, Karen --Case #04-315; Investigator: Sally Parker

Date Received: November 10, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Scott Hamilton alleging that Karen Moran, a candidate for Sammamish City Council, failed to report telemarketing phone calls that were made in support of her candidacy.

Disposition: Pending

Raplee, Debra--Case #04-399; Investigator: Lori Anderson

Date Received: December 29, 2003

Date Started: January 5, 2004

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Todd Livingood alleging that Debra Raplee, a candidate for Kent City Council, sponsored political advertising that contained false statements made against Leona Orr, an incumbent Kent City Councilperson.

Disposition: Pending

Kirsch, Greg (Chehalis School District)--Case #04-451; Investigator: Suemary Trobaugh

Date Originally Received: October 28, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from John Panesko alleging that officials of the Chehalis School District used district facilities to produce and distribute newsletters that featured and supported incumbent school board member Larry Gueck, a candidate up for re-election in 2003.

Disposition: Pending

Pierce County Fire District 13 (Officials) --Case #04-453; Investigator: Sally Parker

Date Originally Received: September 20, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from David J. Kovanen alleging that officials from Pierce County Fire District 13, used the fire district facilities to produce and distribute a letter addressed that supported a local ballot proposition, in response to information distributed by a private citizen in opposition to the local ballot proposition.

Disposition: Pending

Maleng, Norm (King County)--Case #04-460; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Ben Livingston alleging that King County King County Prosecutor Norm Maleng used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

Reichart, Dave (King County)--Case #04-521; Investigator: Tony Perkins

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Review

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Ben Livingston alleging that King County King Sheriff Dave Reichart used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending